

# **Exhibit 1**

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1

2 UNITED STATES DISTRICT COURT  
3 SOUTHERN DISTRICT OF NEW YORK

4 -----X

5 ELODIE PASSELAIGUE, on behalf of herself  
6 and all others similarly situated,

7 PLAINTIFF,

8

9 -against- Case No:  
10 16-cv-01362

11 GETTY IMAGES (US), INC., GETTY IMAGES,  
12 INC., BILL DIODATO PHOTOGRAPHY, LLC, and  
13 BILL DIODATO,

14 DEFENDANTS.  
15 -----X

16

17 DATE: August 13, 2018

18 TIME: 10:30 A.M.

19

20

21 CONFIDENTIAL VIDEOTAPED

22 DEPOSITION of the Plaintiff, ELODIE

23 PASSELAIGUE, taken by the Defendants,

24 pursuant to a Court Order and to the

25 Federal Rules of Civil Procedure, held at

the offices of Cowan, DeBaets, Abrahams &

Sheppard, LLP, 41 Madison Avenue, New York,

New York 10010, before Joshua B.

Edwards, RDR, CRR, CLR, a Notary Public of

the State of New York.

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2 to mark as Defense Exhibit 1 for  
3 identification.

4 (Defense Exhibit 1, Complaint,  
5 marked for identification.)

6 Q. Do you recognize this document?  
7 You can flip through it. Take your time.

8 A. (Perusing.) It is one of the  
9 many documents that were drafted on my  
10 behalf.

11 Q. Did you review it at any point  
12 before it was filed?

13 A. Sure I did.

14 Q. And is everything in it  
15 accurate, to the best of your knowledge?

16 A. To the best of my knowledge.  
17 But I'm just scanning through it right now.  
18 So unless I read it all --

19 Q. But to be clear, you still  
20 stand behind all of the allegations in the  
21 Complaint?

22 A. I still stand behind all of the  
23 allegations in the Complaint, yes.

24 Q. I am going to hand you two  
25 documents that we will mark for

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2 identification as Defense Exhibit 2,  
3 collectively. These are both just the  
4 document demands.

5 (Defense Exhibit 2, document  
6 demands, marked for identification.)

7 Q. Do you recognize these  
8 documents?

9 A. For the purpose of this  
10 interrogation, I am going to say yes. But  
11 again, I'm scanning.

12 Q. You can look through them.

13 A. (Witness perusing.)

14 Q. Do you recognize them?

15 A. I do recognize the documents.

16 Q. Okay. Do you know what they  
17 are?

18 A. One is a response to the  
19 objections, and the other one is an  
20 objection to the request of documentation.

21 Q. Did you collect documents in  
22 connection with this lawsuit?

23 A. I had to.

24 Q. So that's a "yes"?

25 A. That's a "yes."



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2 Q. Where did you search for those  
3 documents?

4 A. In my archives.

5 Q. Can you tell me what that  
6 means.

7 A. That means I keep an archive of  
8 my contracts, for instance. I have an  
9 archive of call sheets. I have an archive  
10 of pictures. Yeah.

11 Q. Is this a physical archive or  
12 an electronic archive?

13 A. It's physical.

14 Q. Did you have any computer files  
15 that you searched?

16 A. Back in 2004, I did not.

17 Q. Do you have one now?

18 A. Of the documentation? Some of  
19 documents are scanned, but most of my  
20 archive is physical.

21 Q. You mentioned an archive of  
22 call sheets. Do you recall whether you  
23 produced those call sheets in connection  
24 with this lawsuit?

25 A. I don't have call sheets for

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2 all of the jobs that I have done, because  
3 we are looking at a career of 17 years.

4 You need to remember that, back then, we  
5 weren't doing things via e-mail. I needed  
6 to go to my agency to pick up my call sheet  
7 physically. It wasn't sent to me via  
8 e-mail. So some of these papers were  
9 discarded. Some of them were, for some  
10 reason, kept.

11 Q. The ones that were kept, do you  
12 recall whether you provided those to your  
13 attorney to send to us?

14 A. I have -- I have one, I  
15 believe, for Avon. And I have a digital  
16 call sheet for Spiegel.

17 MR. SHOLDER: To the extent  
18 that any of these call sheets weren't  
19 produced, we would ask that they be  
20 produced after the deposition. I  
21 don't recall receiving a digital call  
22 sheet.

23 MR. FLYNN: Okay. And I can't  
24 represent whether or not that has  
25 been produced or whether there was

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2 any relevant documents to produce.  
3 But we will certainly take a look.

4 MR. SHOLDER: That's fine. We  
5 can talk offline.

6 Q. You mentioned that some  
7 documents may have been discarded. Was  
8 that just your normal process of cleaning  
9 out your records?

10 A. Not pertaining to this case.

11 Q. Okay.

12 A. Sure. If you have go-sees on a  
13 daily basis, you are not going to keep the  
14 call sheet. It's not a job. It's a  
15 go-see. So you have a call sheet declining  
16 how many appointments you will have during  
17 the day. It's called a call sheet as well.

18 And it could be just me meeting  
19 with a prospective client that I am not  
20 necessarily going to work with. Those  
21 definitely get discarded.

22 Q. What's a go-see?

23 A. Go-see is an appointment where  
24 I am going to come and see you and you are  
25 going to see my face and you are going to



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2 decide if you like me or not for your  
3 prospective project.

4 Q. Is that a term of art in the  
5 industry?

6 A. Yeah, it is.

7 Q. Did you instruct anybody else  
8 to search their records for documents that  
9 might have been responsive in this case?

10 A. I had a hard time -- yes, I  
11 did.

12 Q. Who did you speak to about  
13 that?

14 A. I spoke to foreign models.

15 Q. Anybody else? Any of your  
16 former agents?

17 A. I requested help from Karin  
18 Models who was supervising the Clinique  
19 campaign for me. But they have no  
20 archives.

21 Q. Do you have a manager?

22 A. No, I don't.

23 Q. Okay. Was there anybody else  
24 that you instructed or spoke to with  
25 respect to collecting documents?



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2 A. That I recall, it was Ford  
3 because they were in charge of Spiegel, and  
4 it was Karin Models, now MC Squared, with  
5 -- regarding Clinique.

6 Q. So Karin Models doesn't exist  
7 anymore?

8 A. When I was with them they were  
9 Karin Models, and they have become MC  
10 Squared.

11 Q. Do you know if that was just a  
12 renaming or --

13 A. It's a parting of a bigger  
14 corporation that was international. And  
15 the French head office decided they didn't  
16 want to be associated with the American  
17 office.

18 Q. Is MC Squared the American  
19 office now?

20 A. Yes.

21 Q. Are the documents you produced  
22 complete and accurate, to the best of your  
23 knowledge?

24 A. Yes.

25 Q. I am going to hand you what we

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2 Q. Are there other agencies that  
3 are, for lack of a better term, lower-tier?

4 A. There are, but there are also  
5 other high-caliber agencies. There are  
6 both.

7 Q. What do you consider the  
8 agencies that you have been represented by?  
9 What kind of top-tier or --

10 A. Oh, yeah.

11 Q. Yeah?

12 A. Oh, yeah. They are at the top.

13 MR. SHOLDER: I am marking for  
14 identification as Defense Exhibit 11  
15 a copy of a Model Release.

16 (Defense Exhibit 11, Model  
17 Release, was marked for  
18 identification as of this date.)

19 Q. Do you recognize this document?

20 A. I do recognize this document,  
21 yes.

22 Q. This is a true and correct  
23 copy, to the best of your knowledge?

24 A. It's the copy that I was  
25 provided -- sorry.

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2 MR. FLYNN: Sorry, I am just  
3 going to interpose a late objection.  
4 It calls for a legal conclusion. But  
5 continue.

6 A. It's the second copy that I  
7 was -- that my agent, I believe, obtained  
8 from Getty Images.

9 Q. The second copy?

10 A. Yes. The first one was -- had  
11 paragraphs that were blanked.

12 Q. This copy of the release came  
13 from your agency, to the best of your  
14 recollection?

15 A. I forget if it was the first  
16 agent that worked on the case or if it was  
17 my agency that eventually got it; one of  
18 the two. But it was the second release  
19 that we obtained. The first one did not  
20 make mention of Bill Diodato at all. It  
21 was all blanked out on that side. I had  
22 other things blanked out, but I forget.

23 MR. SHOLDER: Marking for  
24 identification as Defense Exhibit 12  
25 another copy of the model release.



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2 (Defense Exhibit 12, Model  
3 Release, was marked for  
4 identification as of this date.)

5 Q. (Counsel handing.)

6 A. Thank you.

7 Q. You're welcome.

8 Do you recognize this copy of  
9 the model release?

10 A. No. I was under the impression  
11 it was the other side that was blanked out.  
12 I have to look in my archives.

13 Q. Why don't I show you the one  
14 that I think you are talking about and we  
15 will go from there.

16 A. Oh, yes, that's it.

17 MR. SHOLDER: We will mark this  
18 Defense Exhibit 13.

19 (Defense Exhibit 13, Model  
20 Release with redactions, was marked  
21 for identification as of this date.)

22 Q. Do you recognize this copy?

23 A. Mm-hmm.

24 Q. Is this the copy of the model  
25 release that Getty Images provided to you



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2 initially?

3 A. Yes, it is, the copy that left  
4 us very puzzled as to who had taken -- who  
5 had taken those pictures, who had taken the  
6 one picture we could not identify.

7 Q. If you go back to D. 12, the  
8 one I just gave you before, do you have any  
9 idea where this release came from?

10 A. It has to have come from either  
11 a photographer or Getty.

12 Q. Did you have a copy of this  
13 release at all --

14 A. No.

15 Q. -- at any time?

16 A. No.

17 Q. Did you check your records?

18 A. Yeah, I did.

19 Q. We can look back at D. 11,  
20 which is the unredacted version. That's  
21 your signature on the line that says "for  
22 model only"?

23 A. Mm-hmm. Looks like my  
24 signature, yes.

25 Q. Well, it looks like your

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2 signature and is, I guess, are two  
3 different things. So do you believe that  
4 this is, in fact, your signature?

5 A. It looks like my signature  
6 signed in a hurry, so yes, I believe it  
7 would be my signature, but it would have  
8 been signed in a very big hurry. If you  
9 compare to the contract, the Ford Model  
10 contract, my last name is legible.

11 Q. Did you read the release before  
12 you signed it?

13 A. I would think I would have if I  
14 signed it. I usually read anything that I  
15 sign.

16 Q. Do you have a specific  
17 recollection of about whether you signed  
18 it -- I'm sorry, about whether you read it?

19 A. Do I have a specific  
20 recollection? No, I don't have a specific  
21 recollection of the date and time when this  
22 was actually signed.

23 Q. If you could take a look at  
24 Exhibit D. 4, back at the beginning of the  
25 file somewhere. You can put that one aside

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2 for now, now that I think of it.

3 Let's talk a bit about the  
4 Clinique test shoot. Can you tell me your  
5 recollection of that day.

6 A. Yes. I remember the photo  
7 studio was Fast Ashleys in Brooklyn. It  
8 was -- it never happened for us to shoot in  
9 New York. So it was the only shoot that  
10 Clinique ever organized. It was not meant  
11 to produce an outcome that would use --  
12 that would be used for commercial purposes.

13 It was more of a -- it was more  
14 of a test, because the concept was  
15 difficult to take pictures of. The concept  
16 was to have the model immersed in a  
17 full-body-sized fish tank. So you needed  
18 to have a photo studio that was big enough  
19 to accommodate that fish tank, that  
20 quantity of water too, because it's very  
21 nice but you have to empty that tank.

22 So you needed to have that, see  
23 how the light reflects and distorts. As  
24 you can see in this the picture, the bottom  
25 half, the immersed part is much wider than



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2 the top half. So all of these details are  
3 the kind of details we were looking to --  
4 to capture prior to actually having the  
5 whole team present and on the clock.

6 I mean, it was not my decision,  
7 clearly. It was the decision of the art  
8 director. But that's what they were  
9 looking to test is how feasible that  
10 concept was. The photographer for Clinique  
11 was not present that day on the shoot,  
12 which was unheard of. I don't know why.  
13 The makeup artist was not present. The  
14 hair stylist was not present.

15 Everybody was based in Paris.  
16 So it was a reduced team: The art  
17 director, myself, Merrily and clearly Bill  
18 Diodato. I don't remember if there was  
19 anybody else that was there.

20 Q. Who is Merrily?

21 A. Merrily was in charge of -- I  
22 think her title was art buyer, but she was  
23 in charge of hiring models.

24 Q. For Clinique?

25 A. For Clinique.



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2 Q. Do you remember if there was  
3 anybody else present other than who you've  
4 already told me?

5 A. I don't remember anybody else  
6 being present. But I know for sure the  
7 regular actors of that story, the makeup  
8 artist, hair stylist, photographer were not  
9 present. The model maker was not present,  
10 either.

11 Q. How long did that shoot last?

12 A. I don't know. I want to say a  
13 whole day, but it could have been a short  
14 day. I'm not sure.

15 Q. So you told me the name of the  
16 studio. Do you remember what the studio  
17 looked like?

18 A. Well, it's kind of a legendary  
19 studio because it used to be a car garage  
20 for collectible vehicles. And it was  
21 turned into a studio. And at the time it  
22 still had some of the vehicles in there.

23 So, yeah, and also I didn't  
24 know how to get there because I never  
25 traditionally shot in Brooklyn for

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2 anything. Again, they had chosen the  
3 studio for specific reasons. Usually we  
4 shot in Manhattan.

5 Q. Do you remember anything else  
6 about the shoot?

7 A. What do I remember? I didn't  
8 have proper hair and makeup. I didn't even  
9 remember there was a flower, but clearly in  
10 the picture you can see there's a flower.  
11 I remember the size of the tank.

12 I remember -- I remember the  
13 photographer was an odd person that had  
14 never been on the team before whom I now  
15 know as Bill Diodato. But that day, it  
16 seemed to me like it was the first time I  
17 have meeting him. Time will tell that I  
18 had worked with him prior, and I didn't  
19 remember him. What else? I don't even  
20 remember if we had lunch or not. So that's  
21 not helping us determine if it was a long  
22 day or not.

23 Q. That's okay. Whatever you can  
24 remember.

25 A. I remember I was wearing a

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2 bathing suit.

3 Q. I should hope so, in a tank of  
4 water.

5 A. I believe that's it.

6 Q. What do you recall about the  
7 June 2000 -- the June 11, 2009, Spiegel  
8 shoot?

9 A. Spiegel? I forget the name of  
10 the studio, but I can visualize it. It's  
11 one of those -- it's that one photo studio,  
12 it might have been Sun Studios. It's  
13 located -- when you are in Midtown around  
14 34th Street, you have, you have some kind  
15 of, like, highway/tunnel exit or entrance  
16 that passes by. It was the top floor, I  
17 think. It was waist-down, meaning  
18 unrecognizable, meaning my face was not  
19 exposed and makeup was not supposed to be  
20 applied.

21 It was, I know now, I don't  
22 know if I would have recalled that just  
23 from seeing the -- from seeing the picture,  
24 I couldn't tell where it had been taken  
25 from. But I know now the Spiegel shoot was



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2 only a half day. Um, clearly it was Bill  
3 shooting it, Diodato.

4 What else do I remember? There  
5 was a stylist on this job because clearly  
6 when you're doing waist-down, you need to  
7 have the pants fit correctly. The emphasis  
8 is on that.

9 Q. Do you remember who the stylist  
10 was?

11 A. No idea.

12 Q. Was anybody else present aside  
13 from the photographer and the stylist?

14 A. It was a big team. I would  
15 believe that the client would have been  
16 present. I think it was a pretty big team.  
17 I don't remember it being a small team, but  
18 I don't remember all the details of that  
19 shoot anyway.

20 And I don't remember the names  
21 of any -- I mean, I have had to think about  
22 that shoot because of this case. I don't  
23 remember the names of the people that were  
24 present. They are not people that I worked  
25 with regularly.



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2 Q. Do you recall if there was  
3 anybody there, any photo assistant or any  
4 lighting technician?

5 A. There probably would have been  
6 because on that type of shoot, the  
7 photographer is not alone.

8 Q. When, approximately, would it  
9 have started in the morning?

10 A. If it's a half day, we would  
11 have started anywhere from eight o'clock to  
12 nine o'clock in the morning.

13 Q. And when you say "half day,"  
14 what does that mean exactly?

15 A. It means they don't need me for  
16 the whole day. They only need me until  
17 they break for lunch.

18 Q. Which would be about what time?

19 A. 12:00 or 1:00, noon or 1:00.

20 Typically on these shoots when they are  
21 half day, one model is in the morning.  
22 Another model or two other models are at a  
23 different time.

24 Q. Do you recall the circumstances  
25 of signing this release?

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2 A. No, I don't.

3 Q. When did you first find out  
4 about the Allergan ad?

5 A. The year it ran, which right  
6 now I can't even remember if it was 2013,  
7 20 -- I have no idea. I think it was  
8 around 2013. I can't even tell you the  
9 time of the year.

10 What I can tell you is I was  
11 working at Bergdorf Goodman and I had both  
12 clients and models telling me, yay,  
13 congratulations on your Botox ad. And I  
14 was like what? Yeah, I saw you on the  
15 Botox campaign. That must be great. And I  
16 said it must be someone that looks like me  
17 because I never worked for Botox before.  
18 And I didn't think anything about it until  
19 somebody actually handed me a screenshot.

20 And I was, like, yes, that is  
21 actually me. You are correct. And then  
22 that raised a big question, like, how did  
23 that picture get appropriated by Botox,  
24 which is what I thought it was at the time?

25 Turns out it is Brilliant

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2 Distinctions. And who had shot the  
3 picture, because if I'm not selling the  
4 rights to that, clearly I don't have a  
5 right to sell the picture. But if -- if I  
6 don't know who shot it, then I don't know  
7 who had the right.

8 So I had to find out who had  
9 taken the picture to find out who had the  
10 right to sell the picture and/or which  
11 client had ordered that image, because it  
12 could have come from the client's part too.  
13 It could have been the client or the  
14 photographer.

15 Q. You mentioned that clients and  
16 models had come up to you and mentioned the  
17 ad to you. Do you remember who those  
18 people were?

19 A. I don't remember who it was.  
20 It was someone that was working that day,  
21 but I can't even remember the date, so to  
22 backtrack that is a little difficult. I  
23 know I was working at Bergdorf Goodman very  
24 clearly when it was first brought up to me.

25 Q. Would it make sense that you



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2 found out in August of 2014?

3 A. I was -- I found out much  
4 earlier than the case was submitted, if  
5 that's what you are --

6 Q. Well --

7 A. I don't know what August 2014  
8 is referring to is what I should say.

9 Q. I can show you the paragraph in  
10 the Complaint, but I can represent  
11 paragraph 39 of the Complaint indicates you  
12 first learned of it in August of 2014.

13 A. Okay.

14 Q. I just want to confirm that's  
15 still your recollection.

16 A. I honestly don't remember the  
17 exact year or date when I found out.

18 Q. And you don't recall who told  
19 you about it?

20 A. Who told me? The two people  
21 that told me the very first time, I know  
22 one was working at Bergdorf Goodman and I  
23 know the other one was a model that was  
24 working on a similar project at Bergdorf  
25 Goodman.

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2 Are you aware of any other  
3 publications of this advertisement aside  
4 from it being on the Allergan website?

5 A. I'm not aware of any other.

6 Q. Did you reach out to Allergan  
7 to ask them to take your image off of their  
8 website?

9 A. The way I went about it was I  
10 contacted Doreen from Wilhelmina who is no  
11 longer at Wilhelmina. She's retired. But  
12 she was my agent at Wilhelmina at the time.  
13 And I said, look, I have a problem.  
14 There's a picture of me being used for  
15 Botox on this website called Brilliant  
16 Distinctions. And I have no idea who shot  
17 it, who sold it. I have never gotten paid  
18 for it, so I don't know what -- where do we  
19 start?

20 Doreen's first reaction was  
21 that she knew who was the advertising  
22 agency for Botox, and indeed I also knew  
23 because I had gone to castings for that  
24 casting company. And it was -- she said it  
25 was Grey Advertising and she would reach

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2 out to Grey and see from there if they had  
3 any idea how that photo was appropriated  
4 and who had shot it.

5 Q. So it's fair to say that the  
6 outreach to Grey or Allergan was through  
7 your agent?

8 A. At first, yes, it was  
9 definitely Doreen that called Grey.

10 Q. Are you aware whether that  
11 advertisement was subsequently taken down  
12 off the website?

13 A. I kept checking. Eventually it  
14 was taken down.

15 Q. Do you know when that was?

16 A. I don't.

17 (Sneezing.)

18 MR. SHOLDER: Bless you.

19 Q. Going back to the Spiegel  
20 shoot, are you aware whether -- well, let  
21 me withdraw that.

22 Do you know someone by the name  
23 of Linda Hilfiker?

24 A. It rings a bell. I can't place  
25 it, but it seems like I know that last



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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
-----X  
ELODIE PASSELAIGUE, on behalf of herself  
and all others similarly situated,  
  
PLAINTIFF,  
  
-against- Case No:  
16-cv-01362  
  
GETTY IMAGES (US), INC., GETTY IMAGES,  
INC., BILL DIODATO PHOTOGRAPHY, LLC, and  
BILL DIODATO,  
  
DEFENDANTS.  
-----X

DATE: August 14, 2018  
TIME: 11:53 A.M.

CONTINUED VIDEOTAPED DEPOSITION  
of the Plaintiff, ELODIE PASSELAIGUE, taken  
by the Defendants, pursuant to a Court  
Order and to the Federal Rules of Civil  
Procedure, held at the offices of Cowan,  
Debaets, Abrahams & Sheppard, LLP, 41  
Madison Avenue, Suite 38, New York, New  
York 10010, before Scott Torrance, a Notary  
Public of the State of New York.

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2 motivated by other things and the only  
3 thing they knew I was doing was working on  
4 this case.

5 So, I will definitely attribute  
6 this case to having seriously injured  
7 myself with the agency and -- yeah, I'm  
8 going to leave it at that.

9 Q. You were previously represented  
10 by a different lawyer; right?

11 A. In the very, very, very early  
12 stage, I reached to -- I contacted the  
13 model alliance who had referred me to a  
14 lawyer, who was actually absolutely  
15 inexperienced with dealing with that kind  
16 of cases, and, um, that's going to make  
17 somebody at Getty laugh, and laughed  
18 telling me that he was worried that --

19 Q. Well, hold on a second. I  
20 don't want you to tell me --

21 A. Okay.

22 Q. -- anything that's privileged.

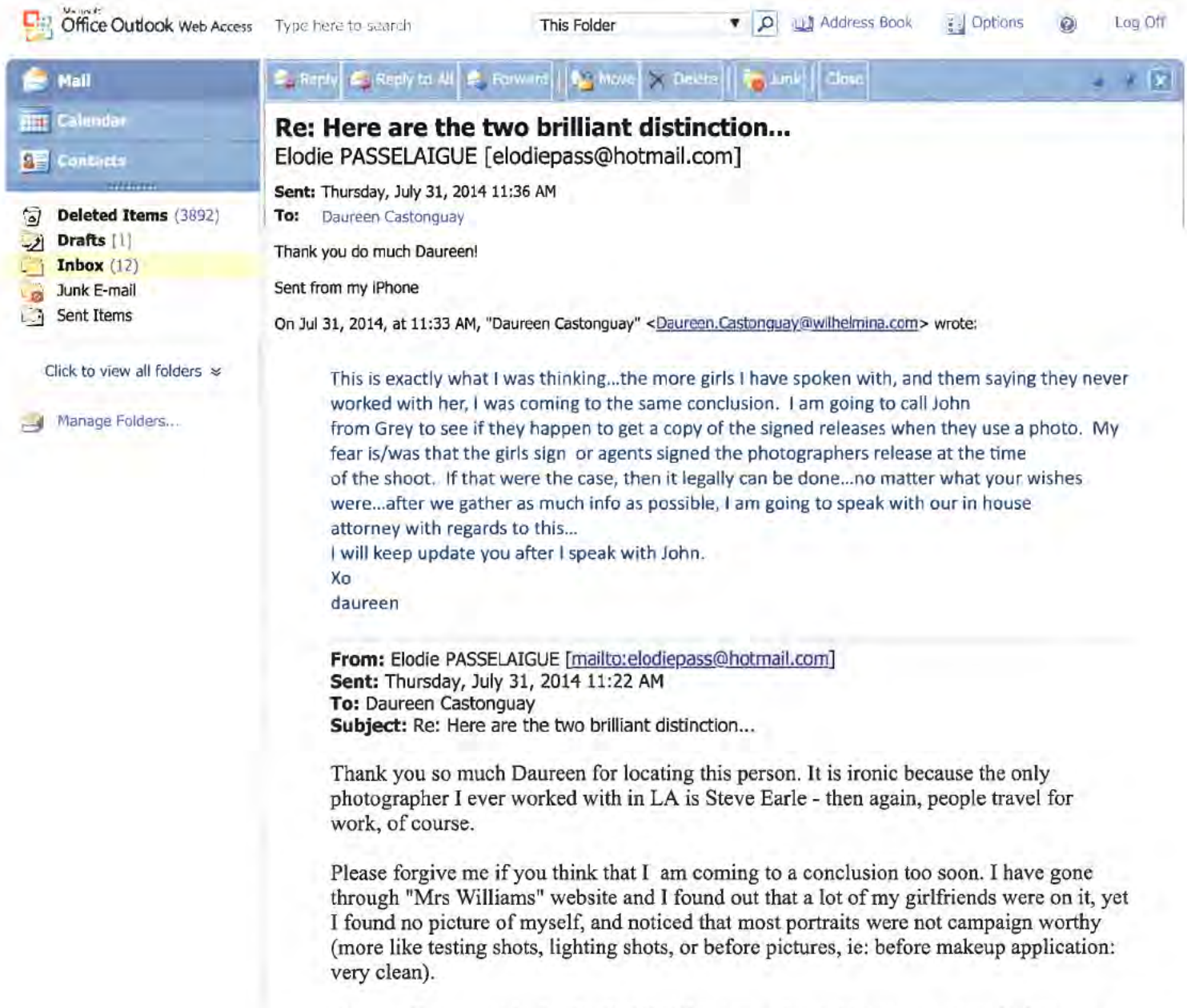
23 A. Okay.

24 Q. Was this Cyrus Dugger?

25 A. Absolutely.

# Exhibit 2





Keeping that in mind, plus the fact that this person has sold a picture of me to Allergan with no regard to the rights to my personal image nor the fact that maybe I did not want to be associated to a product like Botox (ie: it is my decision to make whether I do or don't want to be associated with such brand as it can affect future work, never should a legitimate photographer own the right to dispose of my image that way). Keeping also in mind the fact that "she" has no legitimate website, ie: no ["adriannawilliamsphotography.com"](http://adriannawilliamsphotography.com), and that google searches link her strictly to websites that are platforms to display and retail her art, I believe very strongly that this person is a fraud, a "catfish".

He/she could be a behind the scenes photographer that ends up taking the same pictures as the head photographer on set, he/she could also be an assistant taking behind the scenes pictures. ...I just do not believe that these pictures are legitimately his/hers to dispose of. This theory would then explain why no one remembers his/her name. Then again, that person could have invented him/herself the name "Adrianna Williams" to make an extra buck selling behind the scenes images to royalty free website, or even better, he /she could very well never have touched a camera in his/her life and have stolen all these images.

Let me know your thoughts on this.

WIL-0194

Most grateful for your help,

Elodie.

Sent from my iPhone

On Jul 31, 2014, at 10:15 AM, "Daureen Castonguay"  
<[Daureen.Castonguay@wilhelmina.com](mailto:Daureen.Castonguay@wilhelmina.com)> wrote:

Okay sweetheart, further investigation, shows that she lives in California, it's crazy when you go to her sight and others like it (getty etc.) it seems like most of the photos on there are hers, yet no one remembers working with her.  
Xo  
d

**From:** Elodie PASSELAIGUE [<mailto:elodiepass@hotmail.com>]  
**Sent:** Wednesday, July 30, 2014 8:01 PM  
**To:** Daureen Castonguay  
**Subject:** RE: Here are the two brilliant distinction...

Hi Daureen!

I checked my call sheets for the Silpada booking that occurred on April 24th/25th 2012 in Kansas City via Ford Miami, but the name of the photographer is not on it, so I called upon the agent that had made this booking for me and I am waiting for an answer.

Elodie.

> From: [Daureen.Castonguay@wilhelmina.com](mailto:Daureen.Castonguay@wilhelmina.com)  
> To: [elodiepass@hotmail.com](mailto:elodiepass@hotmail.com)  
> Date: Wed, 30 Jul 2014 14:43:10 -0400  
> Subject: RE: Here are the two brilliant distinction...  
>  
> Hi Sweetheart  
> Please forgive me, I am truly going thru every booking and photo...  
> Just because you are wearing that necklace , what about the Spilada shoot you did in Kansas City? (not thru us or I could check) Does that ring a bell.  
> Xo  
> d  
>  
> -----Original Message-----  
> From: Elodie PASSELAIGUE [<mailto:elodiepass@hotmail.com>]  
> Sent: Wednesday, July 30, 2014 2:04 PM  
> To: Daureen Castonguay  
> Subject: Re: Here are the two brilliant distinction...  
>  
> Hi Daureen!  
>  
> No, I didn't shoot any editorial prior to joining the agency. I was pregnant right before and only did one maternity job for Ann Taylor Loft.  
>  
> Elodie.  
>  
> Sent from my iPhone  
>  
> > On Jul 30, 2014, at 1:07 PM, "Daureen Castonguay"  
> <[Daureen.Castonguay@wilhelmina.com](mailto:Daureen.Castonguay@wilhelmina.com)> wrote:  
> >

WIL-0195



Re: Here are the two brilliant distinction... Outlook Web Access Light

> > Hi Elodie  
> > Just thinking off the top of my head, did you happen to do any editorial  
shoots right before you came to Wilhelmina. ?? With your longer hair.  
> > Xo  
> > daureen  
> >  
> > -----Original Message-----  
> > From: Elodie PASSELAIGUE [<mailto:elodiepass@hotmail.com>]  
> > Sent: Monday, July 21, 2014 2:03 PM  
> > To: Daureen Castonguay  
> > Subject: Here are the two brilliant distinction...  
> >  
> > ...sections that feature my picture. I cannot recall whom might have  
taken this shot but I will keep looking through the material I have.  
> >  
> > Thank you for your help Daureen!  
> >  
> > Elodie.  
> >

 Connected to Microsoft Exchange

WIL-0196



# Exhibit 3

Microsoft Office Outlook Web Access Type here to search This Folder Address Book Options Log Off

Mail Calendar Contacts

Deleted Items (3892) Drafts [1] Inbox (12) Junk E-mail Sent Items

Click to view all folders

Manage Folders...

Reply Reply to All Forward Move Delete Junk Close

**RE: Brilliant Distinctions Talent Help- Elodie Passelaigue**  
Daureen Castonguay

To help protect your privacy, some content in this message has been blocked. If you are sure that this message is from a trusted sender and you want to re-enable the blocked features, [click here](#).

**Sent:** Monday, March 30, 2015 10:26 AM  
**To:** Elodie PASSELAIGUE [elodiepass@hotmail.com]

You are very welcome  
Xo  
d

**From:** Elodie PASSELAIGUE [mailto:elodiepass@hotmail.com]  
**Sent:** Sunday, March 29, 2015 5:24 PM  
**To:** Daureen Castonguay  
**Subject:** Re: Brilliant Distinctions Talent Help- Elodie Passelaigue

Thank you so very much Daureen!

Elodie.

Sent from my iPhone

On Mar 29, 2015, at 3:07 PM, Daureen Castonguay <[Daureen.Castonguay@wilhelmina.com](mailto:Daureen.Castonguay@wilhelmina.com)> wrote:

Hi Sweetheart

Here is all the information you requested. Scroll down and you will see the purchase information.

Hope all is well.

Xoxoxo

daureen

**From:** Bekiaris, John [mailto:jbekiaris@grey.com]

**Sent:** Tuesday, July 29, 2014 7:32 PM

**To:** Daureen Castonguay

**Subject:** Fwd: Brilliant Distinctions Talent Help- Elodie Passelaigue

Daureen-

Please see below. The image was acquired as stock footage and paid for. Call me tomorrow if you have any questions.

Sent from my iPhone

Begin forwarded message:

**From:** "DeBuona, Kara" <[kdebuona@grey.com](mailto:kdebuona@grey.com)>

**Date:** July 29, 2014 at 6:50:47 PM EDT

**To:** "Bekiaris, John" <[jbekiaris@grey.com](mailto:jbekiaris@grey.com)>

**Cc:** "Zenobi, Peter" <[pzenobi@grey.com](mailto:pzenobi@grey.com)>, "Wanamaker, Sharon" <[swanamaker@grey.com](mailto:swanamaker@grey.com)>, "Schanck, Jacquelyn" <[jschanck@grey.com](mailto:jschanck@grey.com)>

**Subject:** FW: Brilliant Distinctions Talent Help- Elodie Passelaigue

FYI John see below info to share with the agent!

Kara DeBuona

Account Supervisor

**GREY** Famously effective since 1917

W +1 212 546 1588

WIL-0002

[grey.com](http://grey.com)[grey.com/disclaimer](http://grey.com/disclaimer)

**From:** Lao\_Kellie <[Lao\\_Kellie@Allergan.com](mailto:Lao_Kellie@Allergan.com)>  
**Date:** Tuesday, July 29, 2014 6:48 PM  
**To:** Grey <[kdebuona@grey.com](mailto:kdebuona@grey.com)>  
**Cc:** Shurtz\_Heidi <[Shurtz\\_Heidi@Allergan.com](mailto:Shurtz_Heidi@Allergan.com)>, "Jennifer Bittner ([Jennifer.Bittner@mxm.com](mailto:Jennifer.Bittner@mxm.com))" <[Jennifer.Bittner@mxm.com](mailto:Jennifer.Bittner@mxm.com)>, Jacquelyn Schanck <[jschanck@grey.com](mailto:jschanck@grey.com)>, Peter Zenobi <[pzenobi@grey.com](mailto:pzenobi@grey.com)>, "Wanamaker, Sharon" <[swanamaker@grey.com](mailto:swanamaker@grey.com)>  
**Subject:** FW: Brilliant Distinctions Talent Help- Elodie Passelaigue

Hi Kara –

Please see below from Jennifer at MXM re: rights acquired to the model's image. If her agent has further questions, please direct them to Jennifer ([Jennifer.bittner@mxm.com](mailto:Jennifer.bittner@mxm.com)).

Thanks!

Kellie

**From:** Jennifer Bittner [<mailto:Jennifer.Bittner@mxm.com>]  
**Sent:** Tuesday, July 29, 2014 3:45 PM  
**To:** Shurtz\_Heidi; Lao\_Kellie  
**Cc:** Sharin Bartz  
**Subject:** Re: Brilliant Distinctions Talent Help- Elodie Passelaigue

Hi Heidi,

We purchased the image from Getty – 1 year, Rights Managed – details are below.

Let me know if you need anything else.

Image #/Description: 103434252 Beauty Portrait of Brunette Woman  
 Photographer/Artist: Adrianna Williams  
 Start Date: 2014-05-28  
 Duration: Up to 1 year  
 End Date: 2015-05-28  
 Usage: Web - Corporate and promotional site  
 Size: Up to 1/2 page  
 Location: Home page  
 Industry Description: Pharmaceuticals & Supplements  
 Territory Description: USA  
 Rights Exclusivity: No Exclusivity

**Jennifer Bittner**  
 Group Account Director  
 MXM

**p:** 424.672.9383 **m:** 310.733.9702 **e:** [jennifer.bittner@mxm.com](mailto:jennifer.bittner@mxm.com)

**From:** Shurtz\_Heidi <[Shurtz\\_Heidi@Allergan.com](mailto:Shurtz_Heidi@Allergan.com)>  
**Date:** Tuesday, July 29, 2014 3:02 PM  
**To:** Lao\_Kellie <[Lao\\_Kellie@Allergan.com](mailto:Lao_Kellie@Allergan.com)>, Jennifer Bittner <[Jennifer.Bittner@mxm.com](mailto:Jennifer.Bittner@mxm.com)>  
**Cc:** Sharin Bartz <[Sharin.Bartz@mxm.com](mailto:Sharin.Bartz@mxm.com)>  
**Subject:** RE: Brilliant Distinctions Talent Help- Elodie Passelaigue

Jennifer – can you let me know how we contracted with this model/image?

**Heidi Shurtz**  
 Sr. Manager, CRM  
 Allergan

WIL-0003



(o) 714-246-6792

**From:** Lao\_Kellie  
**Sent:** Tuesday, July 29, 2014 3:01 PM  
**To:** Shurtz\_Heidi  
**Subject:** FW: Brilliant Distinctions Talent Help- Elodie Passelaigue

Heidi – please see below. Model's agent contacted Grey. Let me know if you want Grey to negotiate usage.

**From:** DeBuona, Kara [<mailto:kdebuona@grey.com>]  
**Sent:** Tuesday, July 29, 2014 2:58 PM  
**To:** Lao\_Kellie; Wilkie\_Kerrie  
**Cc:** Zenobi, Peter; Schanck, Jacquelyn; Wanamaker, Sharon  
**Subject:** Brilliant Distinctions Talent Help- Elodie Passelaigue

Hi Kellie,  
Our talent team received the note below from Elodie Passelaigue's agent. She is the brunette talent that is currently featured on the Brilliant Distinctions website (screenshot attached), and her agent states that she has never worked for Allergan. Could you please let us know who from the Brilliant Distinctions team we should redirect the agent to in order to resolve this?

Thank you so much!  
Best,  
Kara

Kara DeBuona  
Account Supervisor  
**GREY** Famously effective since 1917  
W [+1 212 546 1588](tel:+12125461588)  
[grey.com](http://grey.com)

On 7/29/14 5:14 PM, "Daureen Castonguay"  
<[Daureen.Castonguay@wilhelmina.com](mailto:Daureen.Castonguay@wilhelmina.com)> wrote:

Hello John  
I hope you are well. I am not sure if you can help me with this, but I know this is a division of the same company that handles Juvederm / Botox so thought might be able to point me in the right direction. My model Elodie is on the web sight for Brillant Distinctions/Allergan and she has never worked for them. I am just trying to find out who I can speak with to find out where the photo came from.  
Any help would be greatly appreciated.  
Xo  
daureen

This e-mail, including any attachments, is meant only for the intended recipient and may be a confidential communication or a communication privileged by law. If you received this e-mail in error, any review, use, dissemination, distribution, or copying of this e-mail is strictly prohibited. Please notify the sender immediately of the error by return e-mail and please delete this message from your system. Thank you in advance for your cooperation.

This electronic message, including any attachments, may contain proprietary, confidential or privileged information for the sole use of the intended recipient(s). You are hereby notified that any unauthorized disclosure, copying, distribution, or use of this message is prohibited. If you have received this message in error, please immediately notify the sender by reply e-mail and delete it.

WIL-0004

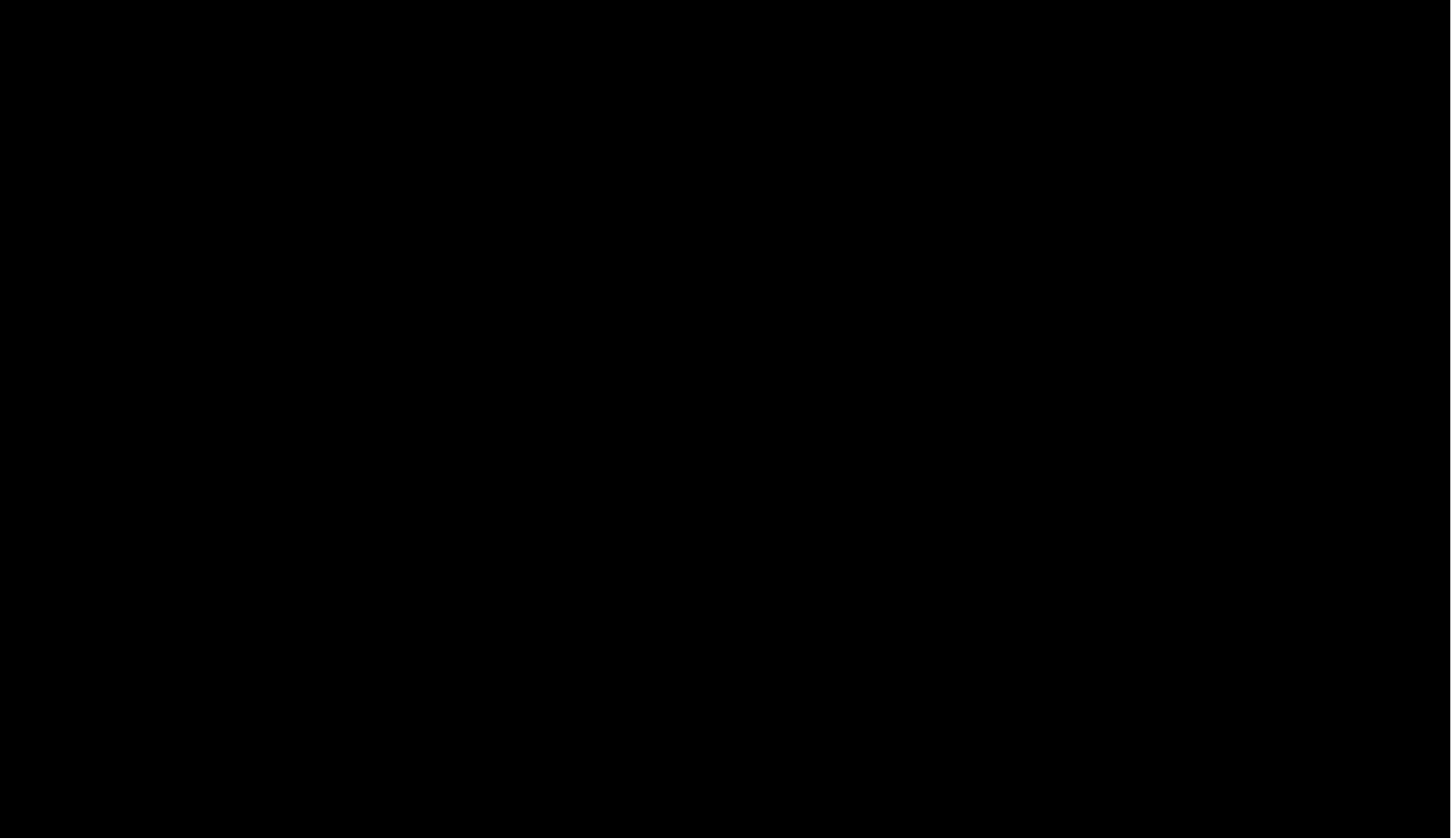
&lt;image001.png&gt;

&lt;image001.png&gt;

WIL-0005

# Exhibit 4





---

**From:** Elodie PASSELAIGUE <elodiepass@hotmail.com>  
**Sent:** Friday, August 8, 2014 8:43 PM  
**To:** Daureen Castonguay  
**Subject:** Re: Model release for 103434252

Thank you Daureen!

Indeed, this is my signature for the Clinique under water shoot that happened on Monday February 9th, 2004 - I have to look in my drawers to see if I possess a copy of the release. The date that was appointed to the document you sent me was either missing from the original release and someone filled in the blanks or that person totally retouched it, but my name is written in my own hand writing and the signature is authentic.

As you can tell, someone butchered the document by adding "& Spiegel photo shoot" in a darker marker type ink after the original ball point mention. You can also tell from the picture than one was shot much earlier than the other. I would never have been put in a situation to sign a co-release for a shoot happening on June 11th 2009 for Spiegel, a fashion brand, while I was signed to Ford Models, and another project shot for Clinique Cosmetics (no affiliation between the two) 5 years prior, while I was signed to Karin Models.

I did shoot for Spiegel at Sun Studios from 10am until 4pm on June 11th, 2009, though and I have it date stamped in my computer. So, that person had some accurate information - maybe they were covering behind the scenes on both jobs, maybe they were assisting on both.

Back in the days when I was shooting for Clinique cosmetics I was using a Palm Treo phone which broke abruptly leaving me without the computerized calendar information that would be related to that job. Stupidly, I also recently deleted the entire folder of emails related to Karin Models - but I have a hand written version of my schedule, as I was writing my bookings into an agenda back then. I also have computer dated proof that my last job with Karin Models was on

September 22nd, 2005 for Matrix Brandology - because I have an email addressed to one of my agents at Ford models, which states exactly that, ie: proof that the Clinique Underwater Photoshoot in question happened prior. I also have my vendor balance details from Karin Models for that year stating that I worked for Clinique on February 9th, 2004, and it has an invoice number 10134 on it. So there is ground to prove in a court of law that I am telling the truth.

Please let me know your thoughts,

Elodie.



# Karin Models of America, LLC Vendor Balance Detail As of December 31, 2004

Type	Date	Num	Memo
Bill	01/19/2004	10047 AXIS FILMS	AXIS FILMS 10047
Bill	02/08/2004	10124 MACKAGE	MACKAGE 10124
Bill	02/12/2004	10166 FUSHA	FUSHA 10166
Bill	02/06/2004	10089 CLINIQUE	CLINIQUE 10089
Bill	02/11/2004	10163 STELLA MCCARTN	STELLA MCCARTNEY 10163
Bill	02/12/2004	10157 STELLA MCCARTN	STELLA MCCARTNEY 10157
Bill	02/15/2004	10176 YVES SAINT LAU	YVES SAINT LAURENT 10176
Bill	02/16/2004	10177 YVES SAINT LAU	YVES SAINT LAURENT 10177
Bill	03/15/2004	10263 CLINIQUE	CLINIQUE 10263
Bill	03/16/2004	10264 CLINIQUE	CLINIQUE 10264
Bill	02/09/2004	10134 CLINIQUE	CLINIQUE 10134
Bill	02/28/2004	10225 CLINIQUE	CLINIQUE 10225
Bill	01/09/2004	10015 JAMES THOMAS	JAMES THOMAS 10015
Bill	04/08/2004	10317 CLINIQUE	CLINIQUE 10317
Bill	02/19/2004	10193 DOUGLAS DUBLER	DOUGALS DUBLER PHOTOGRAPH
Bill	04/21/2004	10361 URBAN OUTFITTE	URBAN OUTFITTERS 10361
Bill	05/13/2004	10432 CELIA KRITHARI	CELIA KRITHAIOTI 10432
Bill	05/18/2004	10451 LADIES HOME JO	LADIES HOME JOURNAL 10451
Bill	05/14/2004	10434 CLINIQUE	CLINIQUE 10434
Bill	05/26/2004	10484 DENNIS BASSO	DENNIS BASSO 10484
Bill	06/02/2004	10513 CLINIQUE	CLINIQUE 10513
Bill	06/10/2004	10559 ORGANIC STYLE	ORGANIC STYLE 10559
Bill	06/10/2004	MANI/PEDI 10559	ORGANIC STYLE MANI/PEDI
Bill	06/18/2004	10594 CLINIQUE	CLINIQUE 10594
Bill	06/24/2004	10617 CLINIQUE	
Bill	07/01/2004		



February 2004 • Février • Februar • Febbraio • Febrero

9 Monday • Lundi • Montag • Lunedì • Lunes

NYC (11:30 am)

Clinique test for  
aquarium shot

2 p.m. = 250 bathing suit

Evening

paid

10 Tuesday • Mardi • Dienstag • Martedì • Martes

8

1

9

2

10

3

11

4

12

5



Sent from my iPhone

Sent from my iPhone

On Aug 8, 2014, at 2:03 PM, "Daureen Castonguay" <[Daureen.Castonguay@wilhelmina.com](mailto:Daureen.Castonguay@wilhelmina.com)> wrote:

Hello Elodie

I reached out to Getty Images and this is the release they sent me for the image that is up on Brilliant Distinctions.. Is that your signature? I am ccing Ali Grace , our attorney here, she and I have spoken about the issue.

Xo

daureen

---

**From:** Getty Images Service - N.America [<mailto:Service.NA@gettyimages.com>]

**Sent:** Friday, August 08, 2014 1:58 PM

**To:** Daureen Castonguay

**Subject:** Model release for 103434252

Hello Daureen,

My name is Kevin and I am in the service department at Getty Images. I have attached a redacted copy of the requested model release. We do this for all releases as we do not want any personal information of the photographer or client to be available. If you have any questions please let myself or Sarah know and we will be happy to help! Thank you for your time.

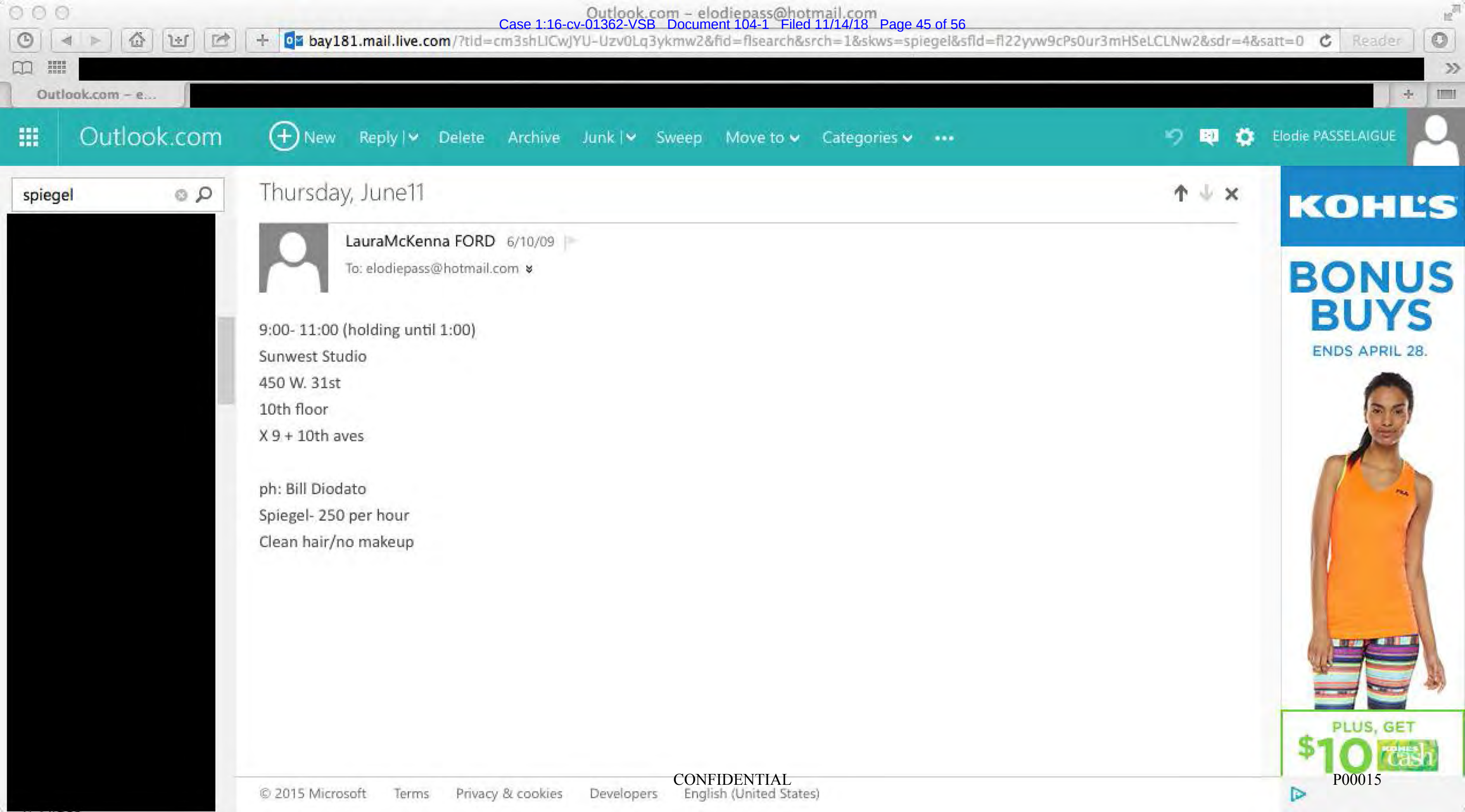
**Kevin Marren**

[Kevin.Marren@gettyimages.com](mailto:Kevin.Marren@gettyimages.com)

<release.jpg>

# Exhibit 5





spiegel

Thursday, June 11



Laura McKenna FORD 6/10/09  
 To: elodiepass@hotmail.com

9:00- 11:00 (holding until 1:00)

Sunwest Studio

450 W. 31st

10th floor

X 9 + 10th aves

ph: Bill Diodato

Spiegel- 250 per hour

Clean hair/no makeup

KOHL'S

BONUS  
 BUYS

ENDS APRIL 28.



PLUS, GET  
 \$10 cash

# Exhibit 6

[REDACTED]

[REDACTED]

[REDACTED]

Cyrus E. Dugger  
The Dugger Law Firm, PLLC  
154 Grand St. New York, NY 10013  
www.theduggerlawfirm.com  
Tel: (646) 560-3208  
Fax: (646) 390-4524

---

From: Cynthia Sharp <Cynthia.Sharp@gettyimages.com>  
Sent: Friday, May 1, 2015 5:46 PM  
To: Cyrus Dugger  
Subject: RE: Elodie Passelaigue & Getty Images Nos. 103434252; 103434254; 103434250

Hi Cyrus,

The release associated with that image is the same as the one previously provided. I've also confirmed that the Brilliant Distinctions use is valid. Allergan licensed the image from us directly, and the use is within the scope of the license.

Sincerely,

Cynthia

Cynthia Sharp  
Senior Paralegal  
Getty Images, Seattle  
T: (206) 925-6753

From: Cyrus Dugger [mailto:cd@theduggerlawfirm.com]  
Sent: Friday, May 01, 2015 12:20 PM  
To: Cynthia Sharp  
Subject: Re: Elodie Passelaigue & Getty Images Nos. 103434252; 103434254; 103434250

Hi Cynthia,



Will you be sending the model release relied upon for the use of Getty Image 103434251, which image Bill Diodato also took of my client and posted on Getty Images.

Best,

Cyrus E. Dugger  
The Dugger Law Firm, PLLC  
154 Grand St. New York, NY 10013  
www.theduggerlawfirm.com<<http://www.theduggerlawfirm.com>>  
Tel: (646) 560-3208  
Fax: (646) 390-4524

---

From: Cyrus Dugger  
Sent: Tuesday, April 28, 2015 9:25 AM  
To: Cynthia Sharp  
Subject: Re: Elodie Passelaigue & Getty Images Nos. 103434252; 103434254; 103434250

Cynthia,

I hope that you are doing well.

Thank you for your assistance - the below is very helpful.

Can you please also send a copy of the relevant model release for Getty Image 103434251.

That is also an image of my client taken by Bill Diodato.

We would very much appreciate the sales history for the Brilliant Distinctions campaign image, as well as my client's other images taken by Diodat and submitted to Getty.

Best,

Cyrus E. Dugger  
The Dugger Law Firm, PLLC

154 Grand St. New York, NY 10013  
www.theduggerlawfirm.com<http://www.theduggerlawfirm.com>  
Tel: (646) 560-3208  
Fax: (646) 390-4524

---

From: Cynthia Sharp <Cynthia.Sharp@gettyimages.com<mailto:Cynthia.Sharp@gettyimages.com>>  
Sent: Monday, April 20, 2015 9:10 PM  
To: Cyrus Dugger  
Subject: RE: Elodie Passelaigue & Getty Images Nos. 103434252; 103434254; 103434250

Cyrus, thanks for your patience. As background, Bill tells me he has photographed Elodie multiple times and has only positive memories of working with her, so he was especially surprised and disappointed to hear that she disputes the validity of the release he obtained from her in 2009 for the Clinique underwater photo and the three Spiegel shoot photos. His hope is that the explanation below will help her remember the circumstances in which she signed the release.

Bill says no release was obtained at the time of the 2004 Clinique test shoot and that the 2009 release, obtained at the Spiegel shoot, covered all four images. When he saw Elodie at the 2009 shoot for Spiegel, they chatted a bit and he mentioned that Clinique had decided not to use the underwater image. He therefore asked her if she would sign a release for both the Spiegel photos and the Clinique underwater photo, which she did. He offered to give her the finished retouched underwater image in exchange for the release, but she said she had an image that looked similar from a shoot she did with Guido Mocafico, also for Clinique. All four images were associated with the one release in Getty Images' systems and ingested on the same day – August 18, 2010.

I assume Bill would not have a problem with us contacting the two witnesses to the release, if need be, but I would need to check with him before offering that to you as an option if his explanation, combined with the additional details previously redacted, don't jog Elodie's memory.

I have not yet received a sales history for the image used on the Brilliant Distinctions site to confirm whether it's a use licensed by Getty Images. Once I have that, I will check back with you.

Sincerely,

Cynthia

Cynthia Sharp  
Senior Paralegal  
Getty Images, Seattle  
T: (206) 925-6753

From: Cyrus Dugger [mailto:cd@theduggerlawfirm.com]  
Sent: Friday, April 17, 2015 2:53 PM  
To: Cynthia Sharp  
Subject: Re: Elodie Passelaigue & Getty Images Nos. 103434252; 103434254; 103434250

Hi Cynthia,

Just following up to get information on your conversation with Mr. Diodato.

Best,

Cyrus E. Dugger  
The Dugger Law Firm, PLLC  
154 Grand St. New York, NY 10013  
www.theduggerlawfirm.com<http://www.theduggerlawfirm.com>  
Tel: (646) 560-3208  
Fax: (646) 390-4524

---

From: Cynthia Sharp <Cynthia.Sharp@gettyimages.com<mailto:Cynthia.Sharp@gettyimages.com>>  
Sent: Friday, April 17, 2015 11:40 AM  
To: Cyrus Dugger  
Subject: RE: Elodie Passelaigue & Getty Images Nos. 103434252; 103434254; 103434250

No problem, here you go. I spoke to Bill Diodato yesterday and will provide more detail regarding our conversation later today.  
Thanks,  
Cynthia

Cynthia Sharp  
Senior Paralegal  
Getty Images, Seattle  
T: (206) 925-6753

From: Cyrus Dugger [mailto:cd@theduggerlawfirm.com]  
Sent: Friday, April 17, 2015 8:34 AM  
To: Cynthia Sharp  
Subject: Re: Elodie Passelaigue & Getty Images Nos. 103434252; 103434254; 103434250

Cynthia,

If that is Getty's position there should not be an issue providing an unredacted copy of the release and confirming that the photographer is Bill Diodato (despite the attribution to Adriana Williams), as we also requested.

Please confirm whether or not Getty Images will comply with the aspect of our request seeking an unredacted copy of the release and seeking confirmation that the identity of the contributor is Bill Diodato.

My client's counsel from Wilhelmina was only provided a redacted copy – which I forwarded to you.

If Getty Images maintains that it has no reason to believe that this release was a forgery, Getty Images should have no problem providing an unredacted copy of the model release it is relying on to continue to utilize my client's images.

To withhold an unredacted copy would serve to frustrate my client's ability to protect her rights and investigate the use of her images, and the redaction of this release cannot be supported by any contrary privacy interest (statutory or otherwise), particularly here, where a photographer decides to sell and/or licensee the images of another for a profit.



Indeed, if my client signed the release, as you suggest, she would have already seen it, and providing a copy of it could not be prejudicial to Getty Images or the contributor.

If Getty Images does not provide an unredacted copy of the model release it is relying on, as well as identify the name of the contributor, by the close of business on Wednesday April 22nd, we will assume Getty Images is declining to comply with our requests.

Best,

Cyrus E. Dugger  
The Dugger Law Firm, PLLC  
154 Grand St. New York, NY 10013  
www.theduggerlawfirm.com<http://www.theduggerlawfirm.com>  
Tel: (646) 560-3208  
Fax: (646) 390-4524

---

From: Cynthia Sharp <Cynthia.Sharp@gettyimages.com<mailto:Cynthia.Sharp@gettyimages.com>>  
Sent: Wednesday, April 15, 2015 9:28 PM  
To: Cyrus Dugger  
Subject: RE: Elodie Passelaigue & Getty Images Nos. 103434252; 103434254; 103434250

Dear Cyrus,

Thanks for following up. I am waiting to hear back from the contributor of the images at issue, who, in his contract with us, represents and warrants that the releases he provides to us are valid. On the face of it, there is no apparent doctoring of the release that we can discern. In our experience, it is not unusual for photographers to contact models after a shoot in order to obtain releases, so the fact that a release dated June 2009 was provided for shoots that took place at different times prior to that is not, in itself, evidence of invalidity.

Therefore, at this point, we have no reason to believe we cannot rely on our contributor's representations, other than a claim to the contrary by your client. Should we learn that in fact the releases are not valid for the three identified images, we will of course take prompt and appropriate action.

In the meantime, we appreciate your patience while we give our contributor a few more days to respond. I will revisit the matter at the end of the week.

Sincerely,

Cynthia

Cynthia Sharp  
Senior Paralegal  
Getty Images, Seattle  
T: (206) 925-6753

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From: Cyrus Dugger [mailto:cd@theduggerlawfirm.com]  
Sent: Wednesday, April 15, 2015 1:59 PM  
To: Cynthia Sharp  
Subject: Re: Elodie Passelaigue & Getty Images Nos. 103434252; 103434254; 103434250

Cynthia,

What is the status of Getty's response to our below requests.

Currently, the images are still on Getty's website and an image is still being used by a Getty licensee on the Brilliant Distinctions website.

As noted below, these images have not been validly released.

Best,

Cyrus E. Dugger  
The Dugger Law Firm, PLLC  
154 Grand St. New York, NY 10013  
www.theduggerlawfirm.com<<http://www.theduggerlawfirm.com>>  
Tel: (646) 560-3208  
Fax: (646) 390-4524

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From: Cynthia Sharp <[Cynthia.Sharp@gettyimages.com](mailto:Cynthia.Sharp@gettyimages.com)<<mailto:Cynthia.Sharp@gettyimages.com>>>  
Sent: Wednesday, April 08, 2015 4:34 PM  
To: Cyrus Dugger  
Subject: RE: Elodie Passelaigue & Getty Images Nos. 103434252; 103434254; 103434250

Dear Mr. Dugger,

Getty Images acknowledges receipt of the message below, along with the attached JPG. I'll be back in touch shortly with a more substantive response, after we've had a chance to investigate a bit more, but in the meantime, please don't hesitate to contact me directly with any additional questions or concerns.

Thank you.

Sincerely,

Cynthia

Cynthia Sharp  
Senior Paralegal  
Getty Images

605 Fifth Avenue South, Suite 400  
Seattle, WA 98104

T: (206) 925-6753

F: (206) 925-5623

cynthia.sharp@gettyimages.com<mailto:cynthia.sharp@gettyimages.com>

www.gettyimages.com<http://www.gettyimages.com/>

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Getty Images, 605 Fifth Ave. S., Ste. 400, Seattle, WA 98104, USA,

www.gettyimages.com<http://www.gettyimages.com/>

From: Cyrus Dugger [mailto:cd@theduggerlawfirm.com]

Sent: Tuesday, April 07, 2015 12:35 PM

To: Nancy E. Wolff

Subject: Elodie Passelaigue & Getty Images Nos. 103434252; 103434254; 103434250

Nancy,

Please find the attached release provided by Getty Images (Kevin Marren) on or about August 8, 2014 to an attorney for Wilhelmina Models following an inquiry regarding the use of Getty Image No. 103434252 in the Brilliant Distinctions web advertising campaign on behalf of my client Elodie Passelaigue.

The two images included in this release were taken at two different test shoots, for two different clients, while my client was with two different agencies. Getty Images No. 103434252 was taken on or about June 11, 2009 and Getty Images No. 103435150 was taken on or about February 9, 2004.

My client recalls signing a release for Getty Images No. 103435150 at the conclusion of the 2004 shoot, but specifically recalls not signing a release for Getty Images No. 103434252 during the June 11, 2009 shoot.

It appears that the model release provided by the photographer was "butchered"/doctored to use the signature from 2004 to appear to also release the 2009 image.

Getty Images Nos. 103434254; 103434250 were also taken at the same 2009 shoot as Getty Images No. 103434252 and were also not released.

What we would like to receive from Getty Images are the unredacted versions of the model releases provided to Getty by the photographer(s) for Getty Images Nos. 103434252, 103434254; 103434250, as well as the dates of submission.

As we discussed, receiving unredacted versions of these releases will assist us in confirming whether or not the photographer is, as it currently appears, Bill Diodato.

We also request that Getty Images remove, stop licensing, and request that all current licensees remove Getty Images Nos. 103435150, 103434254; 103434250 given the absence of a valid model release for these images.

Best,



Cyrus E. Dugger  
The Dugger Law Firm, PLLC  
154 Grand St. New York, NY 10013  
[www.theduggerlawfirm.com](http://www.theduggerlawfirm.com)<<http://www.theduggerlawfirm.com>>  
Tel: (646) 560-3208  
Fax: (646) 390-4524

# **Exhibit 7**

**Filed Under Seal**

# **Exhibit 8**

**Filed Under Seal**